

Remarks

Reconsideration of pending claims 39-52 is respectfully requested.

In the Office action dated March 15, 2004 (application Paper No. 4), the Examiner rejected all pending claims under the judicially-created double patenting rejection, and further rejected all pending claims under 35 USC § 103(a). The Examiner's rejections will be considered below in the order appearing in the Office action.

Double Patenting

The Examiner cited all claims as rejected under the judicially-created doctrine of "double patenting", with respect to issued U.S. Patent 6,385,646. The Examiner further stated that a "timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection on a nonstatutory double patenting ground". Thus, applicant is filing with this response the requested *Terminal Disclaimer*. Applicant believes this disclaimer is sufficient to overcome the Examiner's rejection.

35 USC § 103(a) Rejection - Claims 39-52

The Examiner also rejected all pending claims under 35 USC 103(a) as being unpatentable over the combination of US Patent 5,864,032 (Bateman et al.) and US Patent 6,249,291 (Popp et al.). In particular, the Examiner cited Bateman et al. as teaching the use of a "network service platform" and "establishing a telecommunications session between the user and the call center over the telecommunication network [based on the at least one characteristic]".

In response, applicant has amended independent claims 39 and 50 to further define the inventive subject matter as including the ability to "maintain" both the interactive (Web) session and the call center telephone call at the same time, continuing to exchange communications between the two types of calls through the "network service platform". That is, pages may be "pushed" - in either direction - between the user and the call center agent, audio information may be communicated between the parties, etc.

There is no teaching in Bateman et al., or in the combination of Bateman et al. and Popp et al. regarding the simultaneous use of both an interactive session and a telephone call, with an on-going sharing of information between the different calls. In fact, in the system of Bateman et al., the "user" often must wait for an agent to become available. Hence, the user may not maintain a Web browsing session while waiting for the agent's call.

Based on this significant difference, as defined by amended claims 39 and 50, applicant believes that the combination of Bateman et al. and Popp et al. cannot be found to render obvious the subject matter of the present invention as defined by pending claims 39-52. Applicant therefore respectfully requests the Examiner to reconsider this rejection and find all claims now to be allowable.

If for some reason or other the Examiner does not agree that the case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,

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